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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,305	12/06/2001	Charles E. Prussak	041673-2092	1335
30542	7590	01/11/2006	EXAMINER	
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			GAMBEL, PHILLIP	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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01092006

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Commissioner for Patents

Applicant's election of Group I and the species of polynucleotide encoding a chimeric molecules in which Domain III is a fragment of human CD154 Domain III lacking a metalloproteinase cleavage site and Domain IV is from human TNFalpha without traverse , filed 10/21/05, is acknowledged.

However as pointed in the Restriction, mailed 9/21/05, applicant was required to make a species election from the following as well.

(A) This application contains claims directed to the following patentably distinct species of the claimed inventions of Groups I-VII: wherein the product or the product employed in the claimed methods comprises:

- A) a first domain,
- B) a second domain,
- C) a third domain,
- D) a fourth domain, or
- E) a fifth domain.

These species are distinct because their structures, interactions, modes of action are different. Therefore, they are patentably distinct..

Applicant is required to elect a particular construct as it reads on whether there is one or more domains from (A) above
AND IN ADDITION

(B) Must elect from the following further species as it reads on the appropriate domain such that the domain is:

- A) CD154 (CD40 ligand),
- B) Fas-ligand,
- C) CD70,
- D) TNF β ,
- E) 4-1BB ligand,
- F) TRAIL, or
- G) nerve growth factor.

In addition to electing Group I, applicant's elected only two (2) domains and not a species for each Domain.

Applicant is required to elect from each Domain, as appropriate.

The examiner apologizes for any inconvenience to applicant in this matter.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phillip Gambel, Ph.D., J.D.
Primary Examiner
Technology Center 1600
January 9, 2006

